

**EXHIBIT 1**

The Copyrighted Work







**EXHIBIT 2**

Plaintiff's Copyright Registration



[Home](#) / [Advanced Search](#) / Detailed Record View

Keyword

[Advanced Search](#)

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# Detailed Record View

## Registration record VAU001467360

Copyright Catalog

Displaying 1 of 1 entries

◀ Previous

Next ▶

Editorial Shots.[Group registration of unpublished photographs.10 photographs]

Actions ▼

**Registration Number / Date** VAU001467360 / 2022-05-10

**Type of Work** Visual Material

**Title** Editorial Shots.[Group registration of unpublished photographs.10 photographs]

**Application Title** Editorial Shots

**Date of Creation** 2021

**Copyright Claimant** Reginald Sherod Duncan. Address: 3726 E Main St., College Park, GA, 30337, United States.

**Authorship on Application** Reginald Duncan; Citizenship: United States. Authorship: photographs.

**Rights and Permissions**

Reginald Sherod Duncan, Cranium,  
LLC, 3726 E Main St., College Park,  
GA, 30349, United States, (470)  
775-5162,  
cranium.creation@gmail.com

**Description**

10 photographs :,Electronic file  
(eService)

**Copyright Note**

C.O. correspondence.  
Regarding title information: Deposit  
contains complete list of titles that  
correspond to the individual  
photographs included in this group.  
Regarding group registration: A  
group of unpublished photographs  
may be registered on one  
application with one filing fee only  
under limited circumstances. ALL of  
the following are required: 1. All  
photographs (a) are unpublished  
AND (b) were created by the same  
author AND (c) are owned by the  
same copyright claimant AND 2. The  
group contains 750 photographs or  
less AND 3. A sequentially  
numbered list of photographs  
containing the title and file name  
for each photograph included in the  
group must be uploaded along with  
other required application materials.  
The list must be submitted in an  
approved document format such as  
.XLS or .PDF. The file name for the  
numbered list must contain the title  
of the group and the Case Number  
assigned to the application.

**Names**

[Duncan, Reginald](#)

[Duncan, Reginald Sherod](#)

◀ Previous

Next ▶

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[Home](#)

[Recent](#)

[Records](#)

[Recent](#)

[Searches](#)

[Name](#)

[Directory](#)

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## U.S. Copyright Office

101 Independence Ave S.E.

Washington, D.C. 20559-6000

(202) 707-3000 or

1 (877) 476-0788 (toll free)

**DISCLAIMER** The Copyright Public Records System (CPRS) pilot is under development and is not the final version of the CPRS. This pilot does not replace or supersede the online public catalog or existing search practices the Copyright Office has established. Results obtained through the CPRS pilot should not be used for legal purposes. For information on searching copyright records, see [How to Investigate the Copyright Status of a Work \(Circular 22\)](#). For information on removing personal information from Copyright Office public records, refer to [Privacy: Public Copyright Registration Records \(Circular 18\)](#).

[U.S. Copyright office](#) | [Library Of Congress](#) | [Congress.gov](#) |  
[USA.gov](#) | [FOIA](#) | [Legal](#) | [Privacy Policy](#)

**EXHIBIT 3**

Infringement by Defendant



sprite • Follow

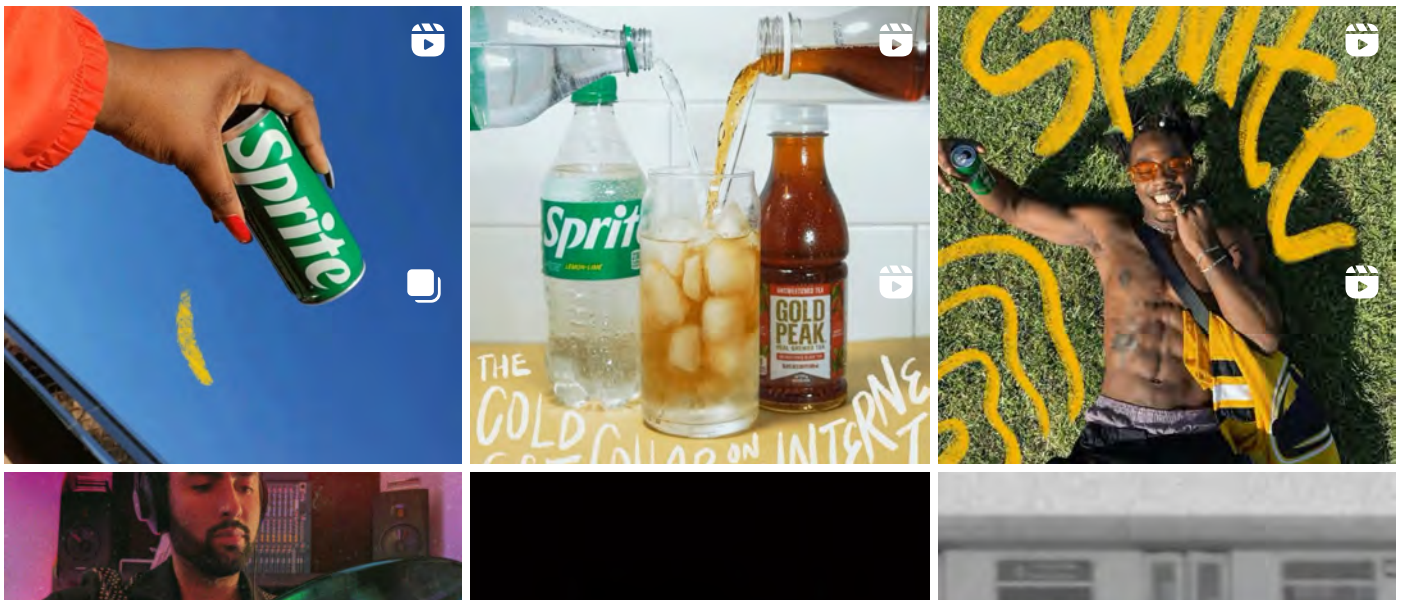
sprite 114w  
Next up in the #SpriteWay artist draft is @jyoungmdk. Combining rapping, singing, directing, and an already booming career in front of the camera, this Atlanta based talent is truly making moves. 🍷 Check him out! #ThirstForYours

upscale\_pr 60w  
🔥🔥🔥🔥🔥🔥🔥

41,826 views  
JULY 16, 2021

Add a comment...

More posts from sprite







**EXHIBIT 4**

Email from Plaintiff to Defendant

**Cranium LLC** <[cranium.creation@gmail.com](mailto:cranium.creation@gmail.com)>

---

From: **Cranium LLC** <[cranium.creation@gmail.com](mailto:cranium.creation@gmail.com)>  
Date: Sun, Nov 28, 2021 at 2:55 AM  
Subject: Photo Copyright  
To: Jacquie Wansley <[jwansley@coca-cola.com](mailto:jwansley@coca-cola.com)>

Hello,

My name is Reginald Duncan, and my photography company is Cranium, LLC. It has come to my attention that your company is using my images for a Sprite campaign without prior authorization. I own the copyright to these images (dsc\_8599 & dsc\_8615) and per copyright law, all use must be authorized by the copyright owner. The written use authorization that I provide, called a Use License, requires payment of a Use Fee and that is how I earn my living. If you would like to continue using the images in the future, I will gladly and without penalty provide a quote commensurate with future use needed.

Attached are screenshots of my images being used under your company's name without prior authorization. Copies have been printed and given to my lawyer, in case we are unable to work out a settlement and legal action is required.

Company: Cranium, LLC  
Instagram: [cranium.art](https://www.instagram.com/cranium.art)  
Website: [cranium.photo](https://www.cranium.photo)  
Twitter: [cranium\\_art](https://twitter.com/cranium_art)







This is the post of my photos uploaded to my social media account: <https://www.instagram.com/p/CNCt1rcApot/>

The headshot of the artist J Young MDK is seen in the "Walls" duplicated across each wall in the video as part of the set design.

The video clips that use my photos were posted on Sprite's Instagram and Twitter page on dates: July 15th & Aug 5th and November 10th 2021. The Wall's video was uploaded on the YouTube platform Oct. 26, 2021.

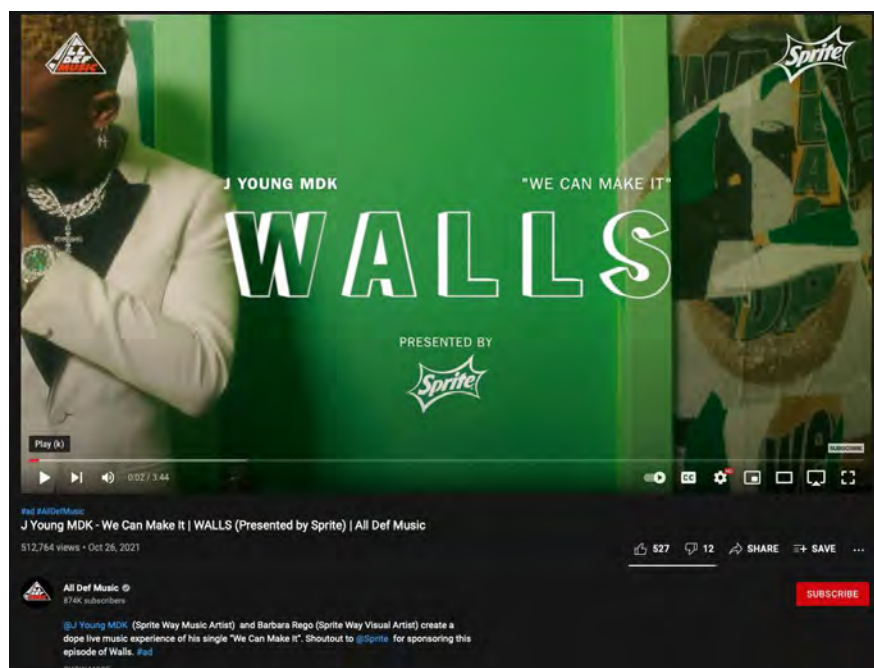
These are the same photos posted on J Young MDK's instagram page and tagging me as the photographer to be credited for the work.



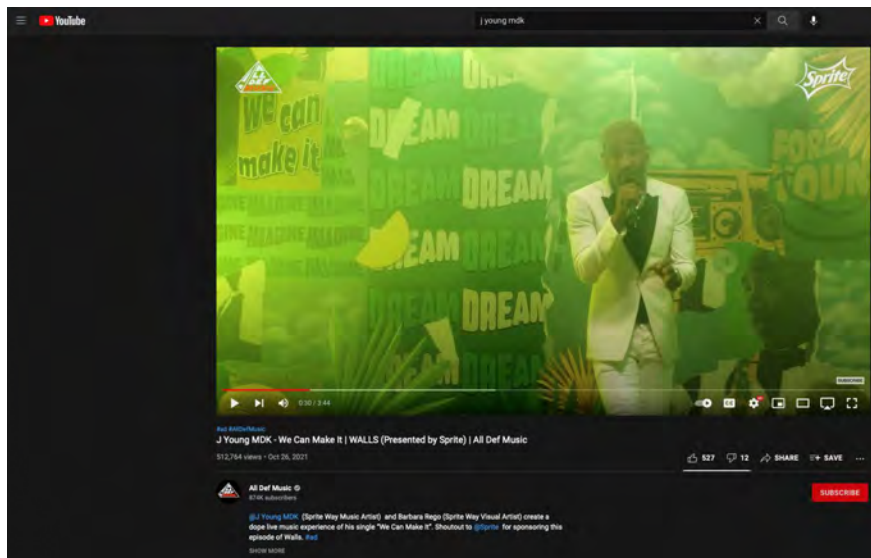


This is a screenshot of an email from the U.S. Copyright Office acknowledging that the photos in question were uploaded and registered with the Library of Congress

7

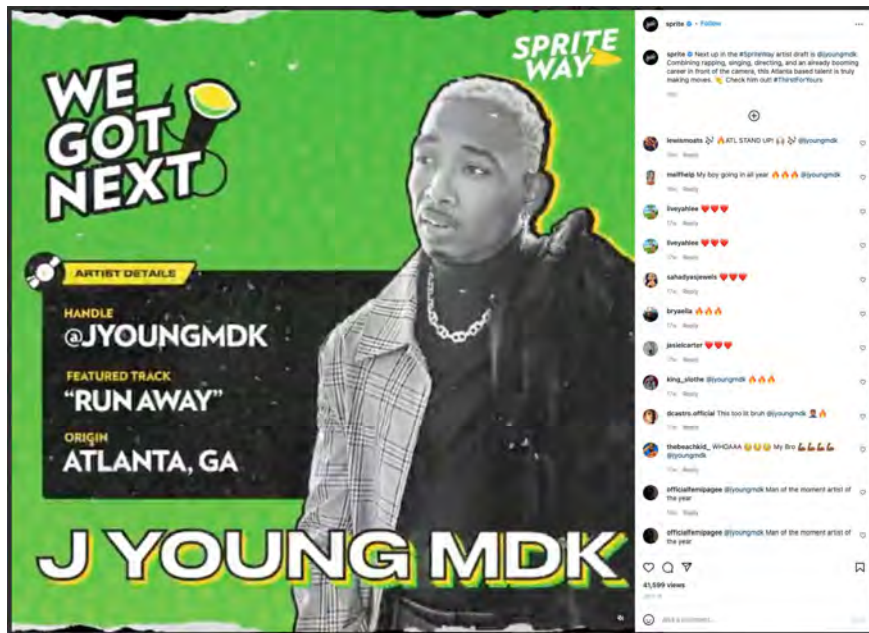


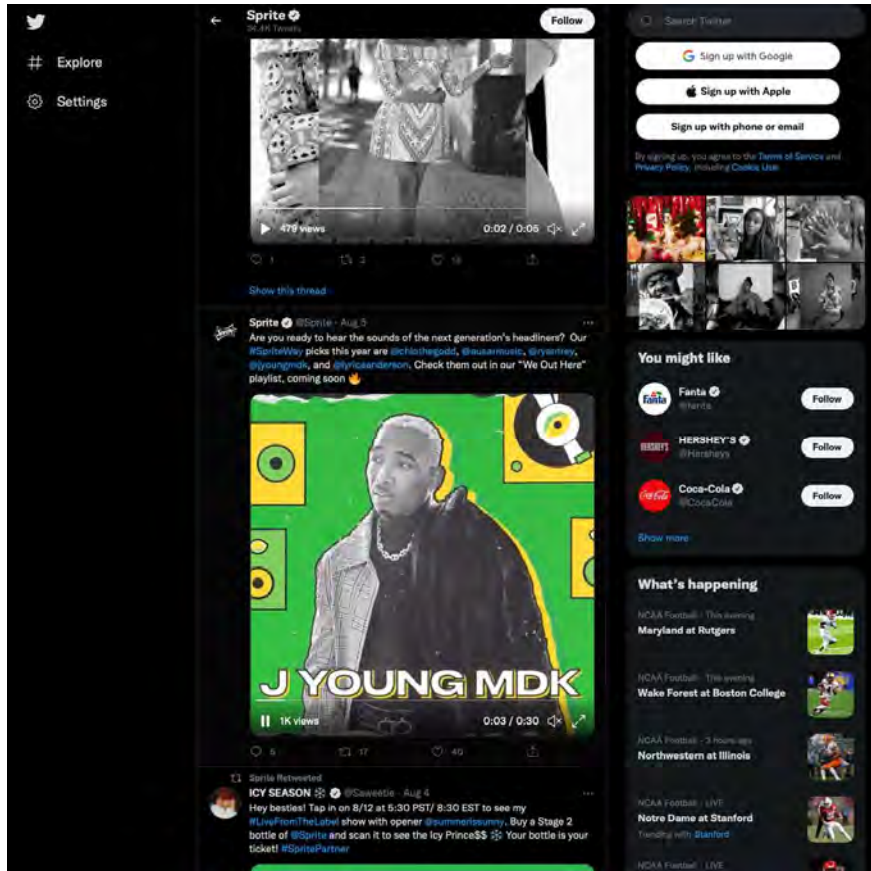




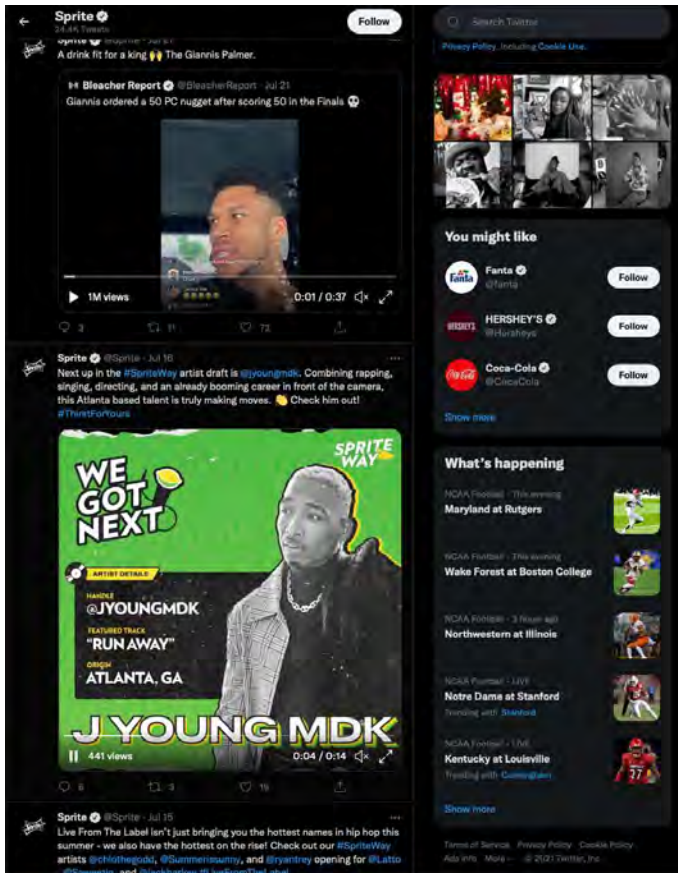












Reginald Duncan  
404.487.8716  
Photographer



Cranium, LLC

...

--

Reginald Duncan  
404.487.8716  
Photographer  
Cranium, LLC

...

--

Reginald Duncan  
404.487.8716  
Photographer  
Cranium, LLC

...

**EXHIBIT 5**

Text Message from the Subject to Duncan

(310) 710-9814

Yo this J Young MDK... so sprite and walls reached out to me yesterday letting me know they they have to take down my performance video because you flagged it for copyright infringement... I put a lot of work into building my brand and also positioning myself to work with this company and it makes me look terrible that they had to come at me about this.. you could have came to me if you had a problem, but instead you decided to go to them and fuck my name and business up.. funny think is I didn't get paid and neither did the girl who decided to dedicate a week with her team to create the college... if I would of know that this would happen I would have used another photo or no photo at all... this was supposed to be a big step for me and now it's getting all fucked up... I worked way too hard for this... it's plenty of ways to have a good name in this industry... I can't believe you would decide to fuck mines up. It's cool they gone take it down and I won't use it again, but when the photo was paid for and we collaborated I didn't imagine all this... all good though... one step back but I'll be moving forward 10



(310) 710-9814 • 9:09 PM



Type a message

**EXHIBIT 6**

Cease and Desist Letter



Conway Eader, L.L.L.P. | 135 Auburn Avenue N.E., Suite 206, Atlanta, Georgia 30303 |  
Granison "Ted" Eader | D (470) 745-2640 | E ted@conwayeader.com

July 21, 2023

**Via USPS and Electronic Mail**

Legal Department, The Coca-Cola Company  
1 Coca-Cola Plaza SE  
Atlanta, GA 30313  
[A.weeks@us.coca-cola.com](mailto:A.weeks@us.coca-cola.com)

**RE:** Unauthorized Use of Photographs and Violation of Copyright Notice

Dear Mr. Weeks,

Please be advised that this law firm represents Cranium LLC ("Cranium"), which is the sole licensee of the photographic works of Reginald Duncan. In 2021, Mr. Duncan took several photographs of the up-and-coming Atlanta based musical artist J Young MDK. These photos are registered at the Copyright Office under Reg. No. VAu001467360 (herein the "Work"). The Work has never been licensed to Coca-Cola by our client, nor has any license ever been granted that could plausibly be suggested to have been assigned to Coca-Cola. Even so, the Work was and still is utilized by Coca-Cola in both an official Sprite Instagram post and in the background of a Sprite advertisement video shoot. Cranium is entitled to compensation for that use.

Cranium further has reason to believe that Coca-Cola's infringement of its intellectual property was willful. Cranium has been attempting to contact Coca-Cola regarding the use of the Work since November 2021. A copy of an email sent to Coca-Cola by my client is attached to this letter as Exhibit A. Additionally, the subject of the photograph then reached out to Mr. Duncan and informed him that Sprite was aware of the infringement. Furthermore, the artist indicated that Sprite also intended to remove the video featuring the Work from social media, after blaming Mr. Duncan for the need to do so. The text sent to our client by J Young MDK referencing Sprite is attached as Exhibit B. As evidenced by the text message, and despite Sprite not following through



Conway Eader, L.L.L.P. | 135 Auburn Avenue N.E., Suite 206, Atlanta, Georgia 30303 |  
Granison "Ted" Eader | D (470) 745-2640 | E ted@conwayeader.com

on its apparent promise to remove the infringing content, Coca-Cola's infringement damaged our client's relationship with the subject of the photograph resulted in the loss of additional business opportunities while the infringement continues to occur.

Despite knowing it was infringing upon my client's intellectual property for at least a year and a half, the Work is still actively being used in advertising for Coca-Cola's Sprite product line. It has been displayed and used in derivative works since the summer of 2021 as part of the "Sprite Way" advertising campaign, as demonstrated below.

[July 16, 2021 Post to Instagram](https://www.instagram.com/p/CRZN8Mehw2g/?hl=en)

(URL: <https://www.instagram.com/p/CRZN8Mehw2g/?hl=en>)

The Work used in "We Got Next" Sprite advertisement







Conway Eader, L.L.L.P. | 135 Auburn Avenue N.E., Suite 206, Atlanta, Georgia 30303 |  
Granison "Ted" Eader | D (470) 745-2640 | E ted@conwayeader.com

Furthermore, the Work is displayed as part of a collage in the background of the subsequent video shoot that Sprite commissioned for its Walls advertising campaign:

[November 10, 2021 Post to Instagram](https://www.instagram.com/p/CWGfVq6LAic/?hl=en)

(URL: <https://www.instagram.com/p/CWGfVq6LAic/?hl=en>)

The Work used in background of music video shoot



It appears that Coca-Cola may have utilized the Work in other social media advertising, such as paid ads. Given the fact that the company has brazenly used the image in the manner demonstrated above, Cranium has every reason to feel the need to explore whether or not the company used the image elsewhere. This is especially difficult for Cranium. Had Coca-Cola asked to use the images or discussed licensing them at the time, our client would have been open to doing so pursuant to a license agreement. Our client also attempted to offer a license after the fact, but was shunned and ignored as a result of the manner in which the apparent infringement was addressed internally. As a result my client has been damaged, and Coca-Cola is liable.



Conway Eader, L.L.L.P. | 135 Auburn Avenue N.E., Suite 206, Atlanta, Georgia 30303 |  
Granison "Ted" Eader | D (470) 745-2640 | E ted@conwayeader.com

Cranium is not by nature litigious. With very limited exceptions, and in the vast majority of cases, it has settled other acts of infringement for fair value licenses without the need for a lawsuit. While the unauthorized use of the Work and the facts of this case clearly give rise to liability for Coca-Cola and will likely be sufficient to establish a cause of action for willful copyright infringement in violation of 17 U.S.C. §§ 106(1) and 501, my client generally views litigation as a last resort. However, if litigation is unfortunately necessary, Cranium will not hesitate to pursue all available damages, including statutory damages as provided by 17 U.S.C. § 504(c). Specifically, we note that willful infringement establishes a measure of statutory damages of up to \$150,000 per instance under 17 U.S.C. § 504(c)(2) and that attorney's fees are awarded to the prevailing party in Copyright actions. In order to avoid unnecessary litigation, we invite Coca-Cola to offer a reasonable license arrangement for the Work within 30 days of this correspondence. Should Coca-Cola refuse to negotiate a fair amicable resolution, my client will be left with no choice but to initiate legal action. This letter is not intended as a waiver of any claim or cause of action. Cranium explicitly reserves all claims and defenses that it may have in pertinence to the Work and Coca-Cola's unauthorized commercial use thereof. We appreciate your company's prompt attention to this matter and would ask that you confirm receipt of this Notice.

.

Regards,

A handwritten signature in black ink that reads "Granison Eader". The signature is written in a cursive, flowing style.

Granison "Ted" Eader



# EXHIBIT A

**Cranium LLC** <[cranium.creation@gmail.com](mailto:cranium.creation@gmail.com)>

---

From: **Cranium LLC** <[cranium.creation@gmail.com](mailto:cranium.creation@gmail.com)>

Date: Sun, Nov 28, 2021 at 2:55 AM

Subject: Photo Copyright

To: Jacquie Wansley <[jwansley@coca-cola.com](mailto:jwansley@coca-cola.com)>

Hello,

My name is Reginald Duncan, and my photography company is Cranium, LLC. It has come to my attention that your company is using my images for a Sprite campaign without prior authorization. I own the copyright to these images (dsc\_8599 & dsc\_8615) and per copyright law, all use must be authorized by the copyright owner. The written use authorization that I provide, called a Use License, requires payment of a Use Fee and that is how I earn my living. If you would like to continue using the images in the future, I will gladly and without penalty provide a quote commensurate with future use needed.

Attached are screenshots of my images being used under your company's name without prior authorization. Copies have been printed and given to my lawyer, in case we are unable to work out a settlement and legal action is required.

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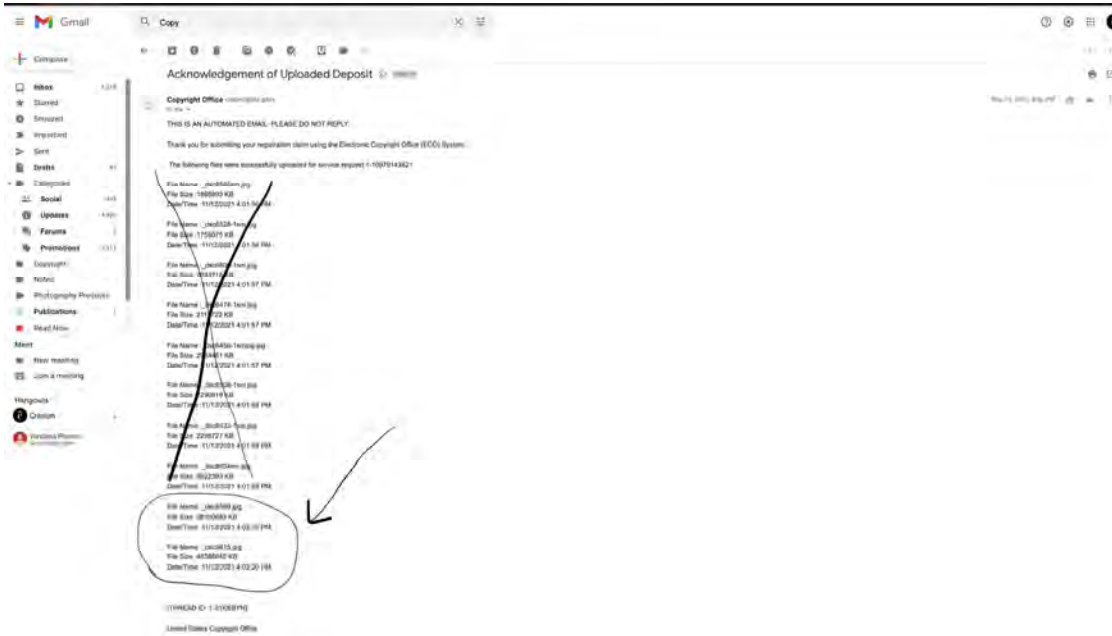
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These are the same photos posted on J Young MDK's instagram page and tagging me as the photographer to be credited for the work.





This is a screenshot of an email from the U.S. Copyright Office acknowledging that the photos in question were uploaded and registered with the Library of Congress



The following are the remaining screenshots of where my photos were used.

**J YOUNG MDK** "WE CAN MAKE IT"

# WALLS

PRESENTED BY

Play (k) 0:02 / 3:44

#ad #AllDefMusic

**J Young MDK - We Can Make It | WALLS (Presented by Sprite) | All Def Music**

512,764 views · Oct 26, 2021

527 12 SHARE SAVE ...

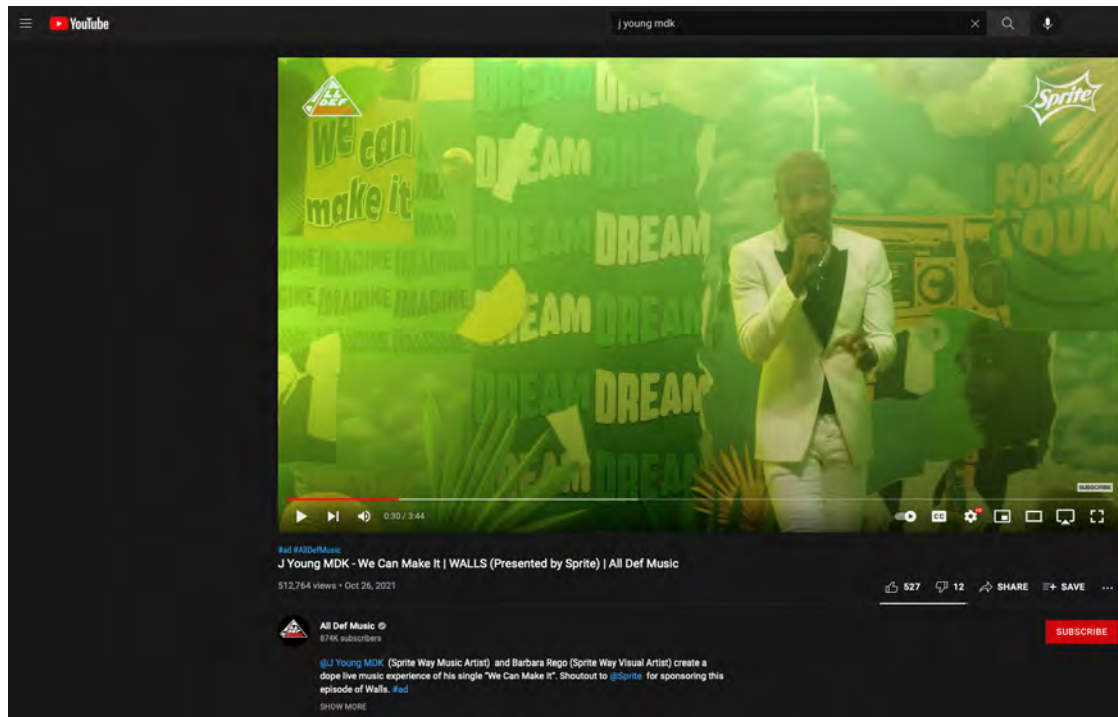
**All Def Music** 874K subscribers

**SUBSCRIBE**

@J Young MDK (Sprite Way Music Artist) and Barbara Rego (Sprite Way Visual Artist) create a dope live music experience of his single "We Can Make It". Shoutout to @Sprite for sponsoring this episode of Walls. #ad

SHOW MORE





J YOUNG MDK "WE CAN MAKE IT"

# WALLS

PRESENTED BY

**J YOUNG MDK AND BARBARA REGO INSPIRE US TO DREAM BIG IN THE LATEST "WALLS"**

**SPRITE WAY**

sprite Follow

sprite @jyoungmdk gives us an inspirational "WALLS" live performance of "We Can Make It," and we've partnered with @alidef to bring it straight to you!

The young star teamed up with talented artist @mindofbarbara to remind us that we should never give up on our dreams even if we're going through tough times with this heartwarming visual performance.

Click the link in bio to get into your feelings #ThirstForYou

2w

jyoungmdk Thank You for the platform and opportunity 🙏🙏🙏 @mindofbarbara amazing job 🙌

2w 9 likes Reply

— View replies (2)

down4some1 #justcant #justdoit ✓

5d Reply

flap\_jaques huge energy 🔥🔥

2w Reply

— View replies (1)

xvsocial Great 🔥

2w Reply

— View replies (1)

down4some1 #google\_it

5d Reply

stolengsclub 🍀🍀🍀🍀

2w 2 likes Reply

zak\_jawson\_ I love sprite with all my heart

2w 1 like Reply

julior668 Want a sprite cranberry

2w 6 likes Reply

hunter\_dietrich28 Don't care, We Want LeSpriteCranberry

2w 10 likes Reply

stefania\_totolo Amazing 🍷🍷🍷🍷 sounds great

🍷🍷🍷🍷

Liked by jyoungmdk and 1,415 others

NOVEMBER 10

Add a comment...





**WE GOT NEXT**

**SPRITE WAY**

**ARTIST DETAILS**

**HANDLE**  
**@JYOUNGMDK**

**FEATURED TRACK**  
**"RUN AWAY"**

**ORIGIN**  
**ATLANTA, GA**

**J YOUNG MDK**

sprite • Follow

sprite Next up in the #SpriteWay artist draft is @jyoungmdk. Combining rapping, singing, directing, and an already booming career in front of the camera, this Atlanta based talent is truly making moves. Check him out #ThirstForTours

lewismoats ATL STAND UP! @jyoungmdk

metheip My boy going in at year

liveyahlee

liveyahlee

sahadyajewels

bryaella

jasielcarter

king\_slothe @jyoungmdk

dcastro.official This too lit bruh @jyoungmdk

thebeachkid\_WHOAAA My Bro

officialfemipagee @jyoungmdk Man of the moment artist of the year

officialfemipagee @jyoungmdk Man of the moment artist of the year

41,599 views

Add a comment...



Explore

Settings

Sprite

24.4K Tweets

Follow

479 views

0:02 / 0:05

1 3 13

Show this thread

Sprite @Sprite · Aug 5

Are you ready to hear the sounds of the next generation's headliners? Our #SpriteWay picks this year are @chlotheodd, @ausarmusic, @ryantrey, @jyoungmdk, and @lyricaanderson. Check them out in our "We Out Here" playlist, coming soon 🎵

J YOUNG MDK

1K views

0:03 / 0:30

5 17 40

Sprite Retweeted

ICY SEASON ❄️ @Saweezie · Aug 4

Hey besties! Tap in on 8/12 at 5:30 PST/ 8:30 EST to see my #LiveFromTheLabel show with opener @summerissunny. Buy a Stage 2 bottle of @Sprite and scan it to see the Icy Prince\$\$ ❄️ Your bottle is your ticket! #SpritePartner

Search Twitter

Sign up with Google

Sign up with Apple

Sign up with phone or email

By signing up, you agree to the Terms of Service and Privacy Policy, including Cookie Use.

You might like

Fanta @fanta Follow

HERSHEY'S @Hersheys Follow

Coca-Cola @CocaCola Follow

Show more

What's happening

NCAA Football · This evening  
Maryland at Rutgers

NCAA Football · This evening  
Wake Forest at Boston College

NCAA Football · 3 hours ago  
Northwestern at Illinois


NCAA Football · LIVE  
Notre Dame at Stanford  
Trending with Stanford

NCAA Football · LIVE

**Sprite** 24.4K Tweets [Follow](#)


**Sprite** @Sprite · Jul 21  
A drink fit for a king 🏆 The Giannis Palmer.

**Bleacher Report** @BleacherReport · Jul 21  
Giannis ordered a 50 PC nugget after scoring 50 in the Finals 🏀



1M views 0:01 / 0:37

**Sprite** @Sprite · Jul 16  
Next up in the #SpriteWay artist draft is @jyoungmdk. Combining rapping, singing, directing, and an already booming career in front of the camera, this Atlanta based talent is truly making moves. 🎤 Check him out! #ThirstForYours



**J YOUNG MDK**  
HANDLE @JYOUNGMDK  
FEATURED TRACK "RUN AWAY"  
ORIGIN ATLANTA, GA  
441 views 0:04 / 0:14

**Sprite** @Sprite · Jul 15  
Live From The Label isn't just bringing you the hottest names in hip hop this summer - we also have the hottest on the rise! Check out our #SpriteWay artists @chlotheodd, @Summerissunny, and @ryantrey opening for @Latto, @Saweetie, and @jackharlow #LiveFromTheLabel

**You might like**

- Fanta** @fanta [Follow](#)
- HERSHEY'S** @Hersheys [Follow](#)
- Coca-Cola** @CocaCola [Follow](#)

[Show more](#)

**What's happening**

- NCAA Football · This evening  
**Maryland at Rutgers**
- NCAA Football · This evening  
**Wake Forest at Boston College**
- NCAA Football · 3 hours ago  
**Northwestern at Illinois**
- NCAA Football · LIVE  
**Notre Dame at Stanford**  
Trending with [Stanford](#)
- NCAA Football · LIVE  
**Kentucky at Louisville**  
Trending with [Cunningham](#)

[Show more](#)

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Ads info More --- © 2021 Twitter, Inc.

Reginald Duncan  
404.487.8716  
Photographer

Cranium, LLC



--

Reginald Duncan  
404.487.8716  
Photographer  
Cranium, LLC



--

Reginald Duncan  
404.487.8716  
Photographer  
Cranium, LLC





# EXHIBIT B

(310) 710-9814

Yo this J Young MDK... so sprite and walls reached out to me yesterday letting me know they they have to take down my performance video because you flagged it for copyright infringement... I put a lot of work into building my brand and also positioning myself to work with this company and it makes me look terrible that they had to come at me about this.. you could have came to me if you had a problem, but instead you decided to go to them and fuck my name and business up.. funny think is I didn't get paid and neither did the girl who decided to dedicate a week with her team to create the college... if I would of know that this would happen I would have used another photo or no photo at all... this was supposed to be a big step for me and now it's getting all fucked up... I worked way too hard for this... it's plenty of ways to have a good name in this industry... I can't believe you would decide to fuck mines up. It's cool they gone take it down and I won't use it again, but when the photo was paid for and we collaborated I didn't imagine all this... all good though... one step back but I'll be moving forward 10



(310) 710-9814 • 9:09 PM



Type a message